

**Remarks/Arguments:**

Following entry of the above amendment, claims 8-11 and new claims 48-58 are pending in the application. Claims 8-11 have been amended to include the limitations of now canceled claims 1, 5-7 and reference to the Sequence Identifier number for *H. pylori* Murl. Support for new claims 48-58 can be found throughout the specification, for example :

Support for claims 48-51, 55 and 56 can be found on page 21, line 27 to page 22, line 12.

Support for claim 52 can be found on page 23, lines 3-7.

Support for claim 53 can be found on page 23, line 30 to page 24, line 1.

Support for claim 54 can be found on page 24, lines 10-13.

Support for claim 56 can be found on page 102, lines 8-10.

Support for claims 57 and 58 can be found on page 22, lines 12-15.

No new matter has been added by this amendment.

**Objection to the specification**

The priority claim appearing on page 1 has been objected to because the priority claim does not specifically state that the present application claims domestic priority under 35 USC § 119(e) to the appropriate provisional applications. Applicants have duly amended the priority claim and included the specific priority claim language. Applicants believe that this amendment removes the objection to the specification.

**Sequence compliance**

A substitute sequence listing has been filed herewith to replace the existing sequence listing. The substitute sequence listing encompasses all nucleotide and amino acid sequences disclosed in the present application.

### Claim objections

Claims 1-2, 5-6 and 8-11 have been objected to for reciting an abbreviation of *H. pylori* and MurI. Claims 1-2 and 5-6 have been canceled rendering the objection mute. Claims 8-11 have been appropriately amended. This amendment should remove the outstanding claim objections.

### 35 USC § 112(2)

(a) Claims 1-3, 5-6 and 8-11 are rejected as being indefinite for reciting *H. pylori* MurI because according to the Examiner the claims fail to teach the identifying characteristics that distinguish *H. pylori* from other glutamate racemase enzymes. Claims 1-3 and 5-6 are canceled rendering the rejection of these claims mute. Claims 8-11 have been amended to recite the particular sequence of *H. pylori* MurI. Applicants believe this amendment obviates the indefiniteness rejection.

(b) Claim 6 has been canceled rendering the rejection of claim 6 mute.

### 35 USC § 112(1)

(a) Claims 1-3, 5-6 and 8-11 are rejected as allegedly lacking sufficient description.

Claims 1-3 and 5-6 are canceled rendering the rejection of these claims mute.

The Examiner states that “the specification fails to disclose even a single representative species of the genus of claimed crystals ..... Other than these representative species, the specification fails to disclose any other crystals of *H. pylori* MurI...”

Claims 8-11 and new claims 48 through 58 are directed only to the species of crystals of *H. pylori* MurI that were exemplified in the specification. Applicants believe that this amendment overcomes the alleged lack of written description rejection.

(b) Claims 1-3, 5-6 and 8-11 are rejected for lack of enablement.

Claims 1-3 and 5-6 are canceled rendering the rejection of these claims mute.

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Reply to Office Action of 10/16/2006

The Examiner states that the specification "while being enabled for crystals of an H. pylori Murl produced [in the specification] .... Does not reasonably provide enablement for all H. pylori Murl crystals as broadly encompassed by the claims"

Applicants have amended the claims to encompass only the crystal species exemplified in the application. Applicants believe that this amendment overcomes the alleged lack of enablement rejection.

### Conclusion

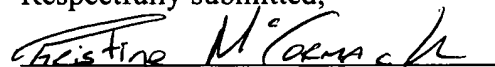
The above amendments have been made without prejudice to Applicants right to prosecute any cancelled subject matter in a timely filed continuation application.

Applicants believe the application is in condition for allowance, which action is respectfully requested.

A petition for a three month extension of time is being filed herewith, the Commissioner is hereby authorized to charge any deficiency in the fees or credit any overpayment to deposit account No. 50-3231, referencing Attorney Docket No. 100966-2P US.

The Commissioner is hereby authorized to charge \$1,000 for excess claim fees. Please charge any deficiency in the fees or credit any overpayment to deposit account No. 50-3231, referencing Attorney Docket No. 100966-2P US. Although Applicants believe no other fees are due, the Commissioner is hereby authorized to charge any deficiency in the fees or credit any overpayment to deposit account No. 50-3231, referencing Attorney Docket No. 100966-2P US.

Respectfully submitted,



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